

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

K.E. VOGT,

vs.

SANDRA COLEMAN, *et al.*

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CIVIL ACTION NO. 6:12-CV-504

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

Presented for consideration is the Report and Recommendation of the Magistrate Judge (Docket No. 54), which contains her findings, conclusions, and recommendation for the disposition of this matter. The Report and Recommendation recommends dismissing Plaintiff's Complaint for failure to prosecute under the Federal Rules of Civil Procedure 41(b). A hearing was set in this case for November 19, 2013. Docket No. 52. Plaintiff failed to appear for the hearing and has not otherwise contacted the Court. The Report and Recommendation was sent to Plaintiff on November 22, 2013 via certified mail. On December 2, 2013, mail from the Court directed to Plaintiff was returned as undeliverable; however Plaintiff received the Report and Recommendation via electronic mail.¹


In light of the foregoing, it is

¹ On September 10, 2012, Plaintiff's Motion to Register as a Filing User in the Electronic Filing System was granted. Docket No. 10.

ORDERED that the Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute under the Federal Rules of Civil Procedure 41(b).

It is SO ORDERED.

SIGNED this 12th day of December, 2013.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE